

1 Hon. John H. Chun  
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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ALEXANDRIA L. ERWIN and IVAN J.  
9 JOHNSON LUCIANO,

10 Plaintiffs,

11 v.

12 OBI SEAFOODS, LLC,

13 Defendant.

14 No. 2:22-cv-00893-JHC

15 JOINT MOTION FOR LEAVE TO  
16 AMEND PLAINTIFFS' COMPLAINT  
17 AND ORDER GRANTING MOTION  
18 FOR LEAVE TO AMEND  
19 COMPLAINT

20 NOTE ON MOTION CALENDAR:  
21 JULY 25, 2023

22 Plaintiffs Alexandria L. Erwin and Ivan J. Johnson Luciano ("Plaintiffs") and  
23 Defendant OBI Seafoods, LLC ("Defendant") respectfully request that this Court grant leave  
24 for Plaintiffs to amend their Complaint to remove their request for economic damages.

25 Plaintiffs initially filed their complaint on June 24, 2022, alleging Defendant  
26 discriminated and retaliated against them during their employment. Complaint, Dkt. # 1.  
27 Defendant denied Plaintiffs' allegations. Answer, Dkt. # 8. Although Plaintiffs initially  
28 requested economic damages, they have agreed to withdraw this request. See Plaintiffs'  
29 Motion to Quash, Dkt. # 23 at 3. A copy of Plaintiffs' proposed Amended Complaint for  
30 Damages, which is revised to remove their request for economic damages in this action, is

31 JOINT MOTION FOR LEAVE TO  
32 AMEND PLAINTIFFS' COMPLAINT  
33 AND ORDER GRANTING MOTION  
34 FOR LEAVE TO AMEND  
35 COMPLAINT – 1  
(Case No. 2:22-cv-00893-JHC)

36 SCHROETER GOLDMARK & BENDER  
37 401 Union Street • Suite 3400 • Seattle, WA 98101  
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1 attached hereto as **Exhibit A**. Defendants have agreed to jointly move the court to permit  
2 Plaintiffs to file the amended complaint.

3 When more than 21 days have elapsed since the service of a complaint and a responsive  
4 pleading has been filed, “a party may amend its pleading only with the opposing party’s written  
5 consent or the court’s leave. The Court should freely give leave when justice so requires.” Fed.  
6 R. Civ. P. 15(a)(2). Here, Defendant has stipulated to Plaintiffs amending their complaint and  
7 has agreed to jointly move for the amendment. Plaintiffs should be permitted to file their  
8 amended complaint, a red-lined copy of which is attached as **Exhibit A**. Defendant should be  
9 permitted to file its answer within 21 days of the filing of Plaintiffs’ Amended Complaint. The  
10 parties respectfully request that the Court enter the proposed order below granting leave for  
11 amendment.

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13 DATED this 25th day of July, 2023.  
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JOINT MOTION FOR LEAVE TO  
AMEND PLAINTIFFS’ COMPLAINT  
AND ORDER GRANTING MOT.  
FOR LEAVE TO AMENDED  
COMPLAINT – 2  
(Case No. 2:22-cv-00893-JHC)

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24 *Attorneys for Plaintiffs*  
25

26 DATED this 25th day of July, 2023.

17 LITTLER MENDELSON, P.C.  
18

19 *s/Nina Stroescu (per email authority)*  
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JOINT MOTION FOR LEAVE TO  
AMEND PLAINTIFFS' COMPLAINT  
AND ORDER GRANTING MOT.  
FOR LEAVE TO AMENDED  
COMPLAINT – 3  
(Case No. 2:22-cv-00893-JHC)

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## ORDER

The Court having reviewed the foregoing Joint Motion for Leave to Amend Plaintiffs' Complaint and the Defendant having agreed to the amendment, therefore:

It is hereby ORDERED that Plaintiffs are granted leave to file their Amended Complaint for Damages, a copy of which is attached hereto as **Exhibit A**.

It is also ORDERED that Defendant shall have 21 days after the filing of Plaintiffs' Amended Complaint to file any response thereto.

## IT IS SO ORDERED

DATED this 25th day of July, 2023

*John H. Chun*  
THE HONORABLE JOHN H. CHUN  
United States District Judge

JOINT MOTION FOR LEAVE TO  
AMEND PLAINTIFFS' COMPLAINT  
AND ORDER GRANTING MOT.  
FOR LEAVE TO AMENDED  
COMPLAINT - 4  
(Case No. 2:22-cv-00893-JHC)

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## CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

*Counsel For: Defendant OBI Seafoods, LLC*

- Via Facsimile
- Via First Class Mail
- Via Messenger
- Via Email
- Via EFiling/EService

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DATED: July 25, 2023, at Seattle, Washington.

s/Daena Temkova  
Daena Temkova, Legal Assistant

JOINT MOTION FOR LEAVE TO  
AMEND PLAINTIFFS' COMPLAINT  
AND (PROPOSED) ORDER  
GRANTING MOT. FOR LEAVE TO  
AMENDED COMPLAINT - 5  
(Case No. 2:22-cv-00893-JHC)

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